IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 94 of 2003

For Approval and Signature:

Hon'ble MR.JUSTICE KUNDAN SINGH

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

DAHIBEN RAMANLALA PATEL

Versus

GUJARAT STATE ROAD TRANSPORT CORPORATION

Appearance:

MR YV VAGHELA for Petitioner No. 1

MR JASWANT K SHAH for Petitioner No. 1

MR YOGESH S LAKHANI for the Respondent.

CORAM : MR.JUSTICE KUNDAN SINGH

Date of decision: 20/01/2003

ORAL JUDGEMENT

Rule. Learned advocate Mr. Lakhani appears on caveat on behalf of respondent no. 1 and

waives service of notice of Rule.

2. The petitioner was granted a licence to run a stall at ST bus depot, Gandhinagar and he was running a dryfruit stall since last 20 years. The period of licence was to expire on 3.11.2002 and in May, 2002, the respondent Corporation invited tenders to run the stall. The petitioner participated and negotiated and the petitioner quoted the highest amount of Rs. 7125/-. However, the respondent Corporation did not want the petitioner to continue his stall and the whole process of the tender was cancelled. The petitioner paid advance licence fees upto 31.1.2003 to the respondent Corporation. However, the respondent Corporation has tried to take possession of the stall premises from the petitioner. The respondent Corporation has also issued an advertisement on 5.1.2003 inviting tenders to run the stall.

3. Heard the learned counsel for the parties. The learned counsel for both the parties invited attention of the court to the order dated 29.10.2002 passed by this Court in Special Civil Application no. 10511 of 2002 in an identical matter wherein the petition was disposed of by imposing four conditions. Learned counsel for both the parties have requested to decide this petition on the same terms. Accordingly, this petition is being disposed of finally on the following terms.

1. The respondent Corporation shall call the petitioner before finalising the tender filled in by the petitioner as well as other parties.
2. Till the tender process is completed, the respondent Corporation is directed not to take possession of the dryfruit stall which is in possession of the petitioner situated at ST bus depot, Gandhinagar.
4. The petitioner shall continue to pay regular licence fees for the period for which he shall continue to occupy the said stall. The petitioner shall also continue to pay taxes, if any, levied by the local authorities.
5. If the petitioner fails to give highest offer in the negotiations and if the Corporation decides to give possession of the dryfruit stall to any other party, the petitioner shall forthwith hand over peaceful possession of the same to the respondent Corporation.

2. The learned counsel for the parties agree to these terms. Subject to the above observations and

conditions, this petition is disposed of finally. Rule made absolute to the above extent with no order as to costs. Direct service permitted.

(Kundan Singh,J)

***drji